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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------|-------------|----------------------|----------------------|------------------|
| 10/815,242 | 03/31/2004 | Douglas Purdy | MS1-1826US | 9750 |
| 22801 | 7590 | 11/16/2006 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | AHLUWALIA, NAVNEET K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2166 | |

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/815,242 | Applicant(s) PURDY ET AL. | |
| | Examiner Navneet K. Ahluwalia | Art Unit 2166 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>03/31/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application has been examined. Claims 1 – 33 are pending in this office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5 – 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5 – 12 recite in the preamble “a computer readable medium having stored thereon a data structure”. The above stated claims define non-statutory processes because they merely manipulate an abstract idea without a claimed limitation to a practical application. Structural and functional interrelationship with a general-purpose computer for permitting claimed functions to be realized are not provided in the claims. Thus, the claimed are rejected as being non-statutory.

Claims 5 – 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 – 19 are rejected because the language of claims in view of the definition of the computer readable media in view of the definition of communications media from the detailed description of the embodiments (Page 19 paragraphs 0071 and 0073) recites carrier and signals which are not considered as tangible and do not form the basis of statutory subject matter under 35 U.S.C. 101.

4. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Patrick Stickler ('Stickler' herein after) ('US 2003/0097365 A1).

With respect to claim 1,

Stickler discloses a computer-readable medium having stored thereon a data structure, comprising: at least one optional data member to render received data functional within a current version of the data structure when optional data is absent from the received data (paragraphs 0009 and 0011, Stickler); and at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current

version of the data structure (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 2,

Stickler discloses a computer-readable medium according to claim 1, wherein the data structure is both backward-compatible and forward-compatible with other versions of the data structure (paragraphs 0042 – 0043, Stickler).

With respect to claim 3,

Stickler discloses a computer-readable medium according to claim 1, wherein the data structure is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 4,

Stickler discloses a computer-readable medium according to claim 1, wherein the at least one construct includes a delimiter followed by a wildcard data member (paragraphs 0149 – 0150, Stickler).

With respect to claim 5,

Stickler discloses a computer-readable medium having stored thereon a data structure, comprising: a delimiter (paragraph 214, Stickler); and at least one wildcard member that follows the delimiter to receive wildcard data received in accordance with a different version of the data structure (paragraphs 0149 – 0150, Stickler).

With respect to claim 6,

Stickler discloses a computer-readable medium according to claim 5, wherein the data structure is both backward-compatible and forward-compatible with other versions of the data structure (paragraphs 0042 – 0043, Stickler).

With respect to claim 7,

Stickler discloses a computer-readable medium according to claim 5, wherein the data structure is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 8,

Stickler discloses a computer-readable medium according to claim 5, wherein the different version of the data structure is one of an earlier version of the data structure and a later version of the data structure (paragraphs 0066 and 0083, Stickler).

With respect to claim 9,

Stickler discloses a computer-readable medium according to claim 5, wherein a last occurrence of the at least one wildcard member (paragraphs 0149 – 0150, Stickler) is followed by an end delimiter (paragraph 214, Stickler).

With respect to claim 10,

Stickler discloses a computer-readable medium according to claim 5, wherein the at least one wildcard member is to be placed in a location for a schema particle (paragraph 0212, Stickler).

With respect to claim 11,

Stickler discloses a computer-readable medium according to claim 10, wherein a schema particle is any one of a group consisting of an element, a compositor, a group, or an element wildcard (paragraphs 0149, 0212, Stickler).

With respect to claim 12,

Stickler discloses a computer-readable medium according to claim 10, wherein the at least one wildcard member is to receive wildcard data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

With respect to claim 13,

Stickler discloses a computer-readable medium having one or more instructions to be executed by one or more processors, the one or more instructions causing the one or more processors to: receive data common to multiple generations of type, tolerate an absence of optional data from the received data, when the data is received in accordance with a different generation of the type (paragraphs 0009 and 0011, Stickler); accept an inclusion of extra data in the received data, when the data is

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received in accordance with another different generation of the type and validate a message by inserting the received data into a current generation of the type (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 14,

Stickler discloses a computer-readable medium according to claim 13, wherein the type is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 15,

Stickler discloses a computer-readable medium according to claim 13, wherein to tolerate an absence of data in accordance with the different generation of the type is to detect no data element in an optional element member for a message (paragraphs 0009 and 0011, Stickler).

With respect to claim 16,

Stickler discloses a computer-readable medium according to claim 13, wherein to accept an inclusion of extra data in the received data is to receive the extra data in a placeholder for a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 17,

Stickler discloses a computer-readable medium according to claim 13, wherein a current generation of the type includes at least one optional element member and at

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least one placeholder (paragraphs 0149 – 0150, Stickler).

With respect to claim 18,

Stickler discloses a computer-readable medium according to claim 16, wherein the at least one placeholder includes a delimiter followed by an element member to receive the extra data (paragraph 214, Stickler).

With respect to claim 19,

Stickler discloses a computer-readable medium according to claim 16, wherein the at least one placeholder is to receive the further data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

With respect to claim 20,

Stickler discloses a method, comprising: receiving data in accordance with different type versions; tolerate optional data missing from the received data, when the data is received according to a different type version (paragraphs 0009 and 0011, Stickler); receive further data included in the received data, when the data is received according to another different type version (paragraphs 0060 and 0149 – 0150, Stickler); and formatting the received data according to a current type version into a message (paragraph 0047, Stickler).

With respect to claim 21,

Stickler discloses a method according to claim 20, wherein the further data includes the optional data (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 22,

Stickler discloses a method according to claim 20, wherein the type is described using an XML schema (paragraphs 0058, Stickler).

With respect to claim 23,

Stickler discloses a method according to claim 20, wherein to tolerate missing data from the received data is to allow an absent data element in an optional data member in order to validate a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 24,

Stickler discloses a method according to claim 20, wherein to receive further data in the received data is to receive the further data in a placeholder in order to validate a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 25,

Stickler discloses a method according to claim 20, wherein the current type version includes at least one optional data member and at least one placeholder

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(paragraphs 0149 – 0150, Stickler).

With respect to claim 26,

Stickler discloses a method according to claim 24, wherein the at least one placeholder includes a delimiter followed by a wildcard element to receive the further data according to the another different type version, and wherein further a last placeholder is followed by an end delimiter (paragraph 214, Stickler).

With respect to claim 27,

Stickler discloses a method according to claim 24, wherein the at least one placeholder is to receive the further data that is any one of a group consisting of a target namespace, a local namespace, and a global namespace (paragraphs 0149, 0212, Stickler)

With respect to claim 28,

Stickler discloses a parser, comprising: means for receiving data in members according to multiple type versions; means for excusing optional data being absent from the received data, when the data is received according to a different generation of the type (paragraphs 0009 and 0011, Stickler); and means for receiving further data in the received data, when the data is received according to another different generation of the type (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 29,

Stickler discloses an apparatus according to claim 28, wherein the type is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 30,

Stickler discloses an apparatus according to claim 28, wherein the means for receiving further data includes at least one construct member having a delimiter followed by a wildcard data member (paragraphs 0149 – 0150, Stickler).

With respect to claim 31,

Stickler discloses an apparatus according to claim 28, wherein the means for receiving further data is placed in a location for a schema particle (paragraph 0212, Stickler).

With respect to claim 32,

Stickler discloses an apparatus according to claim 31, wherein the schema particle is any one of a group consisting of an element, a compositor, a group, or an element wildcard (paragraphs 0149, 0212, Stickler).

With respect to claim 33,

Stickler discloses an apparatus according to claim 31, wherein the means for receiving further data is to receive data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Navneet

Navneet K. Ahluwalia
Examiner
Art Unit 2166

Mohammad Ali
MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 11/13/2006